

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

D.A., by and through his Parents,	:	
D.A. and W.A.	:	Civil Action No.: 2:20-cv-1124
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
Penn Hills School District,	:	
	:	
Defendant.	:	

**JOINT STIPULATION OF FACTS**

The parties, by and through their respective counsel, hereby file the within Joint Stipulation of Facts, as follows:

1. D.A. is a resident of the Penn Hills School District
2. D.A. is currently enrolled in Central Catholic High School.
3. D.A. has attended a parochial school his entire educational career and has never enrolled in the Penn Hills School District.
4. D.A.'s treating physicians have diagnosed him with asthma, depression, peanut allergy, and anxiety.
5. Penn Hills School District possessed documentation confirming D.A.'s diagnoses of asthma, depression, peanut allergy, and anxiety before September 2019.
6. D.A. requires accommodations for his disabling conditions.
7. Penn Hills School District is a recipient of federal funds
8. Pursuant to Public School Code, Section 1361, the District provides transportation services for students enrolled in the District. 24 P.S. § 13-1361.

9. Pursuant to Public School Code, Section 1361, the District also provides transportation to residents who are enrolled in eligible nonpublic schools within a 10-mile distance of District boundaries. 24 P.S. § 13-1361.
10. Pursuant to Public School Code, Section 1361, the District provides transportation services for residents who are enrolled in Central Catholic High School. 24 P.S. § 13-1361.
11. Before September 2019, the District provided D.A. with a document entitled "Section 504 Service Agreement."
12. The Section 504 Service Agreement provided to D.A. included door-to-door transportation.
13. Before the 2019-2020 school year, the District provided door-to-door transportation for D.A. pursuant to the Section 504 Service Agreement.
14. D.A.'s parents provided doctor recommendations to support D.A.'s need for door-to-door transportation.
15. In September 2019, the District informed D.A.'s parents that it would be discontinuing door-to-door transportation.
16. D.A.'s family filed a complaint with the U.S. Department of Education Office of Civil Rights. The parties engaged in resolution, which was facilitated by OCR, on or about January 24, 2020.
17. On February 10, 2020, the District's Superintendent informed D.A.'s parents that the District was "concluding services provided through Donovan's Chapter 15/Section 504 Service Agreement . . . due to Donovan's enrollment at Central Catholic High School."
18. The letter further stated that "[d]ue to D.A.'s enrollment in a parochial school, he is not a protected student with a disability eligible for a Section 504 Service Agreement from the District."
19. The District currently provides door-to-door transportation students enrolled in Penn Hills School District who demonstrate a disability-based need for such an accommodation through a Section 504 Service Agreement or Individualized Education Program (IEP) with the District.

20. The District's decision to end door-to-door transportation is solely based on Donovan's enrollment in a private parochial school.

Date: October 26, 2020

Respectfully Submitted,

/s/ Jonathan D. Steele, Esquire

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